

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

In the Matter of Application 22164
of U. S. Bureau of Land Management
to Appropriate from Ninemile Canyon
in Inyo County

Decision D 1260

DECISION APPROVING APPLICATION

U. S. Bureau of Land Management having filed Application 22164 for a permit to appropriate unappropriated water; a protest having been received; the applicant and protestant having stipulated to proceedings in lieu of hearing as provided for by Title 23, California Administrative Code, Section 737; an investigation having been made by the State Water Rights Board pursuant to said stipulation; the Board, having considered all available information and now being fully advised in the premises, finds as follows:

1. Application 22164 is for a permit to appropriate 2500 gallons per day by direct diversion, year-round, for stockwatering and wildlife preservation purposes from Ninemile Canyon (underflow) in Inyo County. The point of diversion is to be located within the $SE\frac{1}{4}$ of $NE\frac{1}{4}$ of Section 19, T24S, R38E, MDB&M.

2. Ninemile Canyon heads near the border of Inyo and Tulare Counties east of Chimney Meadow and courses in a general southeasterly direction approximately 6.5 miles to the applicant's point of diversion. From this point the canyon debouches on the desert floor.

3. The applicant diverts from the underflow of the canyon at a well adjacent to the stream bed. The well has been in existence for a number of years. It is approximately 40 feet deep and on May 12, 1966, the depth to the surface of the water in the well was 29.34 feet. The water is pumped by a windmill-powered pump into a 14,500-gallon concrete storage tank and conveyed by 4400 feet of pipe to where it is used for the watering of approximately 250 head of cattle. Water is also released into troughs located just below the tank for watering wildlife and stock.

4. The protestant, Versatal Aluminum Products, Inc., holds License 2017 (Application 1406) for .07 cubic foot per second (cfs) from October 1 of each year to March 31 of the succeeding year for irrigation, domestic, and mining (milling) purposes, and License 2018 (Application 3246) for .07 cfs from April 1 to September 30 for the same purposes. The protestant diverts from the canyon, under these licenses, through a collection pipe which is installed at a dam located approximately 230 feet upstream from the applicant's point of diversion. This collection pipe, which extends several hundred feet upstream, conveys the water to an intake pipe located just below the dam. The water is piped approximately 1.5 miles for use at a barite processing plant.

5. Although the protestant's point of diversion is above the applicant's point of diversion, it contends that the applicant's project may cause interference with its supply. Applicant's well has been in existence for a number of years and there has been no showing that diversion from the well has had such an effect. All available information points to the conclusion that the approval of the application will not result in harm to the protestant.

6. Unappropriated water is available to supply the applicant, and, subject to suitable conditions, such water may be diverted and used in the manner proposed without causing substantial injury to any lawful user of water.

7. The intended use is beneficial.

From the foregoing findings, the Board concludes that Application 22164 should be approved and that a permit should be issued to the applicant subject to the limitations and conditions set forth in the following Order.

The records, documents, and other data relied upon in determining the matter are: Application 22164 and all relevant information on file therewith, particularly the report of the field investigation made May 12, 1966: License 2017 (Application 1406) and License 2018 (Application 3246); Department of Water Resources Bulletin 91-1, "Data on Water Wells in Indian Valley Area"; and U.S.G.S. 15-minute quadrangle "Little Lake, California".

ORDER

IT IS HEREBY ORDERED that Application 22164 be, and it is, approved, and that a permit be issued to the applicant subject to vested rights and to the following limitations and conditions:

1. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 2500 gallons per day by direct diversion, year-round.

2. The maximum quantity herein stated may be reduced in the license if investigation warrants.

3. Complete application of the water to the proposed use shall be made on or before December 1, 1970.

4. Progress reports shall be filed promptly by permittee on forms which will be provided annually by the State Water Rights Board until license is issued.

5. All rights and privileges under this permit, including method of diversion, method of use, and quantity of water diverted are subject to the continuing authority of the State Water Rights Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

6. Permittee shall allow representatives of the State Water Rights Board and other parties, as may be authorized

from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit.

Adopted as the decision and order of the State Water Rights Board at a meeting duly called and held at Sacramento, California.

Dated: **OCT 26 1966**

/s/ Kent Silverthorne, Chairman
Kent Silverthorne, Chairman

/s/ Ralph J. McGill, Member
Ralph J. McGill, Member

/s/ W. A. Alexander, Member
W. A. Alexander, Member